

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEVIN AMBERS,

Plaintiff,

v.

TELA WILSON *et al.*,

Defendants.

Case No. C05-5215RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed Plaintiff's motion to dismiss, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The court considers plaintiff's motion as a notice of dismissal pursuant to Fed. R. Civ. P. 41 (a). This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff must still pay the filing fee in this case pursuant to 28 U.S.C. § 1915(b).
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 10<sup>th</sup> day of August, 2005.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE